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REPORT OF THE SECRETARY-GENERAL ON THE IMPLEMENTATION OF SECURITY COUNCIL RESOLUTION 598 (1987)

1. In paragraph 9 of Security Council resolution 598 (1987) of 20 July 1987, the Secretary-General was requested to keep the Council informed on the implementation of that resolution. In the past, I have, among other ways, responded formally to this request in my successive reports 1/ on the activities of the United Nations Iran-Iraq Military Observer Group (UNIIMOG), which operated from August 1988 until February 1991 in implementation of paragraph 2 of resolution 598 (1987) and subsequent resolutions. 2/ The last such report, covering developments until 25 February 1991, was issued on 26 February 1991, shortly after which the mandate of UNIIMOG came to an end on 28 February 1991. The present report is intended to provide the Security Council with an account of my efforts in the implementation of resolution 598 (1987) since 1 March 1991.

2. With the completion of the implementation of paragraphs 1 and 2 of resolution 598 (1987), the remaining tasks entrusted to the Secretary-General by that resolution are of a political nature. In my reports to the Security Council of 29 January 1991 and 26 February 1991, as well as in my letter addressed to the President of the Council, dated 26 February 1991, 3/ I expressed the view that such tasks would be facilitated by a continuing United Nations presence in the area, in particular by the establishment of civilian offices, which with appropriate Headquarters support, would help me to carry on my work and to have a better assessment of developments in the region. As expressed in the letter from the President of the Council addressed to me on 26 February 1991, 4/ the members of the Security Council agreed with this approach and concurred with the arrangements I had proposed.

3. Accordingly, as a first step, I proceeded, with the agreement of the respective host Governments, with the setting up of a United Nations Office of the Secretary-General in the Islamic Republic of Iran (UNOSGI) and one in Iraq (also referred to as UNOSGI). This initiative had from the outset the full support of the two Governments which willingly provided all necessary assistance and facilities. The legal status, privileges and immunities of the Office at Tehran was the subject of an exchange of letters between the United Nations and the Government of the Islamic Republic of Iran, concluded on

3 June 1991. An identical exchange of letters between the United Nations and the Government of Iraq with regard to the status, privileges and immunities of the Office at Baghdad was concluded on 27 June 1991.

4. In my letter of 26 February 1991 3/ I had also indicated to the Council that the continued presence of a few military observers attached to the civilian offices that would be located in the Islamic Republic of Iran and Iraq would allow the United Nations to respond promptly to any request from the parties to investigate matters for which military expertise would be required. Six military observers, provided by six different contributing States, have thus continuously been attached to UNOSGI, three of them based at Baghdad and the other three at Tehran.

5. As reported to the Council in January and February 1991, the completion of the withdrawal of all forces to the internationally recognized boundaries as described in the Treaty concerning the State Frontier and Friendly Relations between Iran and Iraq of 13 June 1975 5/ and its protocols and annexes took place on the basis of an agreement reached by a technical meeting of Iranian and Iraqi military experts at Tehran on 6 January 1991. This agreement was also intended to govern the modalities for the strengthening of the cease-fire, including, among other things, the establishment of an area of separation of 1 kilometre on each side of the boundary. During the period covered by the present report, both parties have continued to declare to UNOSGI representatives that the 6 January agreement remains valid. Although the United Nations has never had the opportunity to verify completely the actual existence of an area of separation along the entire border, it has been the policy of UNOSGI to encourage the implementation of and continued respect for the 6 January agreement. The good offices of UNOSGI, including those of its expert military staff, have been available to the parties in order to help to solve whatever difficulties they might face in this respect. UNOSGI has also been mindful of the need to foster whatever confidence-building measures might be considered possible in order to ensure quiet and stability in the border area.

6. Unfortunately, the border area between the Islamic Republic of Iran and Iraq has not been without problems during the past nine months. The long lists of allegations of cease-fire violations submitted by both parties and circulated, at their requests, as Security Council documents bear witness to this. Iraq was the first to request investigations of such alleged incidents by the military observers attached to UNOSGI. Eventually the Islamic Republic of Iran also resorted to this procedure. Most of the alleged violations related to incidents of a temporary nature, however, which do not lend themselves to ex post facto investigations. Up to the date of the present report, UNOSGI at Baghdad was able to respond to 37 Iraqi requests for investigation. In 31 of those 37 instances the investigations carried out by the military observers led to the conclusion that the alleged violations should be confirmed. UNOSGI at Tehran carried out 11 investigations at the request of the Iranian authorities, as a result of which it confi med eight cease-fire violations. Each report confirming a cease-fire violation by a party was brought to the attention of the authorities of that party for their

consideration. While the number of alleged violations has at certain times been alarmingly high, it should be noted that it has remained considerably lower than during the period before the completion of the withdrawal. The vast majority of allegations related to incidents not involving any firing, but to unauthorized presence on the border or in the area of separation.

7. The situation of relative unrest persisting along the border between the Islamic Republic of Iran and Iraq constitutes a vivid reminder that lasting peace between those two countries is still elusive. The continuing violations of the cease-fire requirement of paragraph 1 of resolution 598 (1987) emphasize the need for all concerned to address in earnest all remaining paragraphs of that resolution and strive without any delay for their full and faithful implementation. As the two parties themselves have repeatedly recognized, resolution 598 (1987) as a whole constitutes a comprehensive peace plan containing all necessary means and assurances for the establishment of genuinely peaceful relations between them. Both the Islamic Republic of Iran and Iraq, as well as other States in the region and the international community as a whole can only stand to gain if the peace-making efforts in the context of resolution 598 (1987) can proceed now without any further delay.

8. The responsibility for the implementation of resolution 598 (1987) obviously rests in the first place with the Governments of the Islamic Republic of Iran and Iraq themselves. One of the areas in which this is most clearly the case is that of the release and repatriation of the prisoners-of-war. Completion of the implementation of paragraph 3 of resolution 598 (1987), which does nothing more than restate clear obligations of the parties under international law, is, more than any other provisions of that resolution, long overdue. I have therefore seen it as my duty to use every possible opportunity to urge the parties to resume their efforts in cooperation with the International Committee of the Red Cross (ICRC) and bring the repatriation process to the desired ending. My Personal Representative, Ambassador Jan Eliasson, has also raised the matter on a number of occasions. The suffering of thousands of human beings during such a protracted period must now come to an end by the strict implementation of the Third Geneva Convention of 12 August 1949. 6/ I hope that the positive step taken by the Islamic Republic of Iran in recent days by releasing 421 prisoners will indeed signal the beginning of the last phase of the implementation of paragraph 3 of resolution 598 (1987).

9. While, as said above, fulfilment of the requirements of resolution 598 (1987) is in the first instance in the hands of the parties themselves and depends to a large extent on their initiatives, the Security Council has given some specific mandates to the Secretary-General. It is obvious that it is to those mandates that I felt I needed to give special attention and ensure that they are on the right track. During the period under review, I have intensified all efforts in this regard. The results of those efforts with regard to those mandates are the subject of the present and additional reports to the Council.

10. In pursuance of the mandate entrusted to me by paragraph 7 of resolution 598 (1987), I asked, in May 1991, former Under-Secretary-General Abdulrahim A. Farah to lead a team of experts to make an exploratory visit to the Islamic Republic of Iran to obtain initial information and data on the nature and extent of damage sustained by that country as a result of the conflict between it and Iraq and on the status of its reconstruction efforts. The Security Council was informed of this initiative by my letter of 23 May 1991. 7/ Mr. Farah and his team visited the Islamic Republic of Iran from 31 May until 21 June where they performed their tasks with the necessary cooperation of the relevant authorities of the Islamic Republic of Iran and the logistic support of UNOSGI at Tehran. The preliminary report of the mission containing details of the reported damage to the Islamic Republic of Iran's infrastructure, the nature and status of the country's reconstruction efforts and the team's observations on the damaged sites and installations inspected was submitted to the Security Council on 31 July 1991. 8/ As indicated in my letter submitting the preliminary report to the Council, Mr. Farah and his team returned to the Islamic Republic of Iran on 5 November 1991 to complete their work. The final report of this mission will be submitted to the Security Council as soon as it is completed.

11. Paragraph 7 of resolution 598 (1987) applies, of course, equally to Iraq. In my letter to the President of the Security Council of 23 May 1991 7/ I indicated that, in the implementation of my mandate under paragraph 7, I was also in contact with the Government of Iraq. It was obvious that the task of a mission of experts such as the one dispatched to the Islamic Republic of Iran would in Iraq be complicated by the additional damage this country suffered during the more recent armed conflict and subsequent events. On the assumption, however, that the Iraqi authorities might have records of damage sustained during the conflict between that country and the Islamic Republic of Iran, as well as of subsequent reconstruction efforts, a study by a team of experts as envisaged by paragraph 7 of resolution 598 (1987) might be possible. The Iraqi Government has been made aware that a team of experts could be made available whenever the Government wishes to proceed with this matter. The views of the Iraqi Government have been most recently expressed in a letter from the Minister for Foreign Affairs, Mr. Ahmad Hussein, addressed to me on 12 November 1991 and, at the request of Iraq, circulated as a Security Council document. 9/

12. The re-establishment of peaceful relations between the Islamic Republic of Iran and Iraq and security and stability in the Persian Gulf region as a whole are closely interrelated. The Security Council, in paragraph 8 of resolution 598 (1987), requested the Secretary-General to examine, in consultation with the Islamic Republic of Iran and Iraq and other States of the region, measures to enhance the security and stability of the region. Subsequent developments in the region have reconfirmed the original wisdom underlying that provision but may also have made the task more complex. Paragraph 8 is essentially forward-looking and the action it envisages constitutes a fitting and essential complement to the comprehensive peace plan formulated in resolution 598 (1987). It would be unrealistic to assume that

faithful implementation of the spirit and letter of that paragraph can be obtained in the very short term. However, considering the possible tragedies against which the region may be permanently safeguarded as a result of a conscientious and painstaking peace-making effort on a regional scale, the time that will need to be invested in this will certainly be worth while.

13. It is essential that a beginning is made, however limited in scope, taking into account what is possible at this stage. A process of consultations with States of the region has started. I myself have had useful exchanges of views with government leaders of the region, upon which further efforts can be built. My visit to the Islamic Republic of Iran and to Saudi Arabia in the beginning of September 1991, at the invitation of both Governments, provided an opportunity for me to review with the two heads of State as well as their foreign ministers possible efforts to enhance friendly relations among all States in the region. At Jeddah I also had an informative exchange of views with the ministers for foreign affairs of the members of the Gulf Cooperation Council (GCC), as well as with the Secretary-General of that Council. Further discussions took place during the visit of the head of State of Bahrain as well as of the foreign ministers of the States of the region to United Nations Headquarters on the occasion of the General Assembly. The consultations thus far have not gone beyond preliminary exchanges of views and information. All participants have expressed interest, however, in continuing this process. I have been encouraged by some of the initiatives and efforts of cooperation within the region that have been brought to my attention. At the same time, I have expressed to my interlocutors my views on the assistance that the United Nations, and in particular its Secretary-General, might be able to provide in a process of gradually developing friendly relations among all States of the Persian Gulf region with due respect for the principle of sovereignty and other principles of international law and the Charter of the United Nations. The idea of a declaration including basic principles of good-neighbourly relations and other practical arrangements may, perhaps, be pursued under United Nations auspices.

Concluding remarks

14. Resolution 598 (1987) was and remains the basic framework through which the Security Council decided to reach a peaceful settlement of the conflict between the Islamic Republic of Iran and Iraq and to which, for that purpose, the parties have been and remain committed. Following the important boost that was given to the implementation process of the resolution as a result of the completion of the withdrawal of all forces, further efforts seem to have run into difficulties mainly because of the complex situation prevailing in the area following the hostilities in Iraq and Kuwait. It also appears that in recent months different views may have developed between the parties on how to proceed with resolution 598 (1987). Nevertheless it is clearly incumbent upon all concerned to move on with the implementation process. In the circumstances which now prevail in the area, fulfilment of the objectives envisaged by resolution 598 (1987) have become all the more important because

they constitute a cornerstone of the re-establishment of security and friendly relations in the region. It is therefore essential that we reach as soon as possible that stage of the implementation process that is concerned with the future and the construction of genuine peace. This concern has guided my efforts in the context of the implementation of resolution 598 (1987) and I hope that they will indeed have brought us much closer to the real peace-making stage of the settlement process.

15. It is essential, in my view, to pursue, in cooperation with the Security Council, the parties and all concerned, sustained efforts towards the full implementation of resolution 598 (1987) as a comprehensive peace plan. The presence of Offices of the Secretary-General in the Islamic Republic of Iran and Iraq, and perhaps in another interested country in the region, will be a continuing requirement. They greatly assist in providing a better understanding of regional interests and expectations and support for the peace-making role of the Secretary-General. Furthermore those Offices have been an example of how, at the appropriate time, a peace-keeping operation can be phased out and replaced by other effective means to assist in maintaining favourable peace-making conditions.

Notes

1/ S/20093 of 7 August 1988, S/20242 of 25 October 1988, S/20442 of 2 February 1989, S/20862 of 22 September 1989, S/21200 of 22 March 1989, S/21803 of 21 September 1990, S/21960 of 23 November 1990, S/22148 of 28 January 1991, and S/22263 of 26 February 1991.

2/ Security Council resolutions 619 (1988) of 9 August 1988, 631 (1989) of 8 February 1989, 642 (1989) of 29 September 1989, 651 (1990) of 29 March 1990, 671 (1990) of 27 September 1990, 676 (1990) of 28 November 1990 and 685 (1991) of 31 January 1991.

3/ S/22279.

4/ S/22280.

5/ United Nations, Treaty Series, vol. 1017, No. 14903.

6/ Ibid., vol. 75, No. 972.

7/ S/22637.

8/ S/22863.

9/ S/23213.

10/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 1 (A/46/1).